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CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1941.

No. 175

MARY E. CHEWNING, *Petitioner*,

v.

THE DISTRICT OF COLUMBIA, A MUNICIPAL CORPORATION, GARNISHEE, *Respondent*.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA AND BRIEF IN SUPPORT THEREOF.

CORNELIUS H. DOHERTY,
Counsel for Petitioner.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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THE DISTRICT OF COLUMBIA, A MUNICIPAL CORPORATION, GARNISHEE, *Respondent.*

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

The petition of Mary E. Chewning respectfully shows to this Honorable Court:

STATEMENT OF THE CASE.

The petitioner, Mary E. Chewning, obtained a judgment against one Mary E. Butler, who is a nurse in the employ of Gallinger Hospital, and receives her salary from the District of Columbia, and on the 16th day of April, 1940, a garnishment was issued out of the District Court of the United States for the District of Columbia, attaching any

credits in the hands of the District of Columbia belonging to Mary E. Butler, in accordance with Sections 285, 286, 287 and 288 of Title 24 of the Code of Laws for the District of Columbia, complete to March 4, 1929, and on the 17th day of April, 1940, a motion to quash this garnishment was filed by the District of Columbia on the ground that the District of Columbia was a municipal corporation and exempt from garnishment proceedings involving the collection of private debts (R. 4), and this motion to quash was granted (R. 5).

A notice of an appeal was filed on April 17, 1940, and perfected the same day (R. 5), and the record in the case was filed in the United States Court of Appeals for the District of Columbia on May 1, 1940.

After argument on the merits of the cause on the 21st day of March, 1941, the United States Court of Appeals for the District of Columbia, on April 14, 1941, affirmed the decision of the District Court of the United States for the District of Columbia.

REASONS RELIED ON FOR THE ALLOWANCE OF THE WRIT.

1. The decision of the United States Court of Appeals for the District of Columbia is on a question of general importance and is in conflict with its previous decisions and affects property rights.

2. The decision of the United States Court of Appeals for the District of Columbia presents a question relating to the construction of a Statute of the United States.

3. The decisions of the United States Court of Appeals for the District of Columbia do not give proper effect to the applicable decisions of this Court.

QUESTIONS PRESENTED.

1. Whether the United States Court of Appeals for the District of Columbia was in error in affirming the judgment of the District Court of the United States for the District of Columbia.

2. Whether the United States Court of Appeals for the District of Columbia was in error in holding that the District of Columbia was not subject to garnishment at the instance of a judgment creditor against his debtor, an employee of the District of Columbia.

WHEREFORE, your petitioner respectfully prays that a writ of certiorari be issued out of and under the seal of this Honorable Court, directed to the United States Court of Appeals for the District of Columbia, commanding that Court to certify and to send to this Court for its review and determination, on a day certain to be therein named, a full and complete transcript of the record and all proceedings in the case numbered and entitled on its docket No. 7769, *Mary E. Chewning, Appellant,* v. *The District of Columbia, a Municipal Corporation, Garnishee, Appellee,* and that the said judgment of the United States Court of Appeals for the District of Columbia may be reversed by this Honorable Court, and that your petitioner may have such other and further relief in the premises as to this Honorable Court may seem meet and just; and your petitioner will ever pray.

MARY E. CHEWNING,

by

CORNELIUS H. DOHERTY,
1010 Vermont Avenue, N. W.,
Washington, D. C.,
Counsel for Petitioner.